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In re Application of	:	
Mark W. Saylor	:	
Application No. 09/988,976	:	DECISION ON PETITION
Filed: November 19, 2001	:	
Attorney Docket No. 019287-0317333	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 13, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 7, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed February 7, 2007. Accordingly, the date of abandonment of this application is May 8, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR § 1.137 was unintentional, the Director may require additional information. See MPEP § 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

The application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See 35 U.S.C. § 41(a)(7) and 151 and MPEP § 711.03(c)(II)(A)(1). Therefore, the filing of a request for continued examination (RCE) under 37 CFR § 1.114 is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1) in this case. Therefore, before revival of this application can be effected, petitioner must submit payment of this issue fee.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
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By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.



Frances Hicks
Petitions Examiner
Office of Petitions

cc: Syed Jafar Ali
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 McLean, VA 22102